

**Planning Commission Hearing Minutes
October 8, 2012**

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Meta Nash Josh Bokee Alderman Russell Rick Stup Bill Ryan		Joe Adkins-Deputy Director for Planning Brandon Mark-City Planner Pam Reppert-City Planner Jeff Love-City Planner Devon Hahn-City Traffic Engineer Scott Waxter-Asst. Assistant City Attorney Carreanne Eyler-Administrative Assistant

I. ANNOUNCEMENTS:

Commissioner Nash welcomed Kate McConnell to the Planning Commission.

Mrs. Dunn stated that the Comprehensive Rezoning will be discussed by the Mayor & Board at a workshop Tuesday, October 09, 2012 at 2 p.m. and on Wednesday during the regularly schedule workshop they will be discussing the Golden Mile Small Area Plan at 3 p.m. Lastly, on November 14th there will be 2 workshops relating to Form Base Codes and more information will be provided at a later date.

II. APPROVAL OF MINUTES:

Approval of the **September 10, 2012** Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Stup.

SECOND: Commissioner Ryan.

VOTE: 5-0.

Approval of the **September 17, 2012** Planning Commission Workshop Minutes as amended:

MOTION: Commissioner Stup.

SECOND: Commissioner McConnell.

VOTE: 5-0. (Commissioner Bokee abstained)

Approval of the **October 5, 2012** Pre-Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Stup.

SECOND: Commissioner McConnell.

VOTE: 5-0. (Commissioner Bokee abstained)

III. PUBLIC HEARING-SWEARING IN:

"Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Planning Commission will be the whole truth and nothing but the truth." If so, answer "I do".

IV. PUBLIC HEARING-CONSENT ITEMS:

(All matters included under the Consent Agenda are considered to be routine by the Planning Commission. They will be enacted by one motion in the form listed below, without separate discussion of each item, unless any person present – Planning Commissioner, Planning Staff or citizen -- requests an item or items to be removed from the Consent Agenda. Any item removed from the Consent Agenda will

be considered separately at the end of the Consent Agenda. If you would like any of the items below considered separately, please say so when the Planning Commission Chairman announces the Consent Agenda.)

V. MISCELLANEOUS:

A. PC12-609PCM, Planning Commission Modification, Monocacy Canning

Ms. Reppert entered the entire staff report into the record. There was no public comment on this item.

Planning Commission Action:

This was the first of two required public hearings so no vote was taken.

VI. OLD BUSINESS:

B. PC12-367FSI, Final Site Plan, The Residences at Prospect Hill

Mr. Love entered the entire staff report into the record. Public comment was received.

Neil Kirkpatrick resides at 6446 Jefferson Pike stated that he is not opposed to the project. He is opposed to the rezoning to R-12 and the 2 access points on Butterfly Lane. He has concerns regarding traffic and safety. He submitted a letter via email for part of the public record.

Theresa Michele, Board Member of Preservation Maryland stated that they support the retention of the view shed from Rte. 15 and from the City of Frederick of Prospect Hall.

Planning Commission Action for Waiver of Parkland Dedication:

MOTION: Commissioner Stup moved for a positive recommendation to the Mayor & Board of Aldermen for the waiver of parkland dedication based on the proximity of public parkland, construction of the sidewalk along Himes Avenue to connect to the parkland and the Parks and Rec recommendation not to disturb the sensitive and archeological sensitive areas in the steep slope area.

SECOND: Alderman Russell.

VOTE: 5-0.

Planning Commission Action for Deferral of Public Improvements:

MOTION: Commissioner Stup moved for a positive recommendation to the Mayor & Board of Aldermen for the deferral of public improvements as stated in the staff report with the recommendation from Streets and Sanitation Commission and city engineer because of the future realignment and the proffer of the right turn lane in only to the eastern most entrance.

SECOND: Commissioner McConnell.

VOTE: 5-0.

Planning Commission Action Per Section 607(f):

Separation Distance Between Easternmost Butterfly Lane Access to Intersection MD 180 :

MOTION: Commissioner Stup moved to approve the modification for Section 607(f) Table 601-2 as listed in the staff report and accordance with the staff recommendation.

SECOND: Commissioner Bokee.

VOTE: 4-1. (Commissioner Nash opposed)

Planning Commission Action Per Section 607(f) :

Separation Distance Himes Avenue Access & Other Access Drives:

MOTION: Commissioner Stup moved to approve the modification for Section 607(f) Table 601-2 for the reduction of required access drive separation as listed the staff report and in accordance with the staff recommendation with concurrence of the engineering department.

SECOND: Commissioner Bokee.

VOTE: 5-0.

Planning Commission Action Per Section 607(e)(6):

MOTION: Commission McConnell moved to approve the modification to Section 607 (e)(6) for the maximum 600' length of an access drive in a residential development as permitted under 607 (d)(3) as necessitated due to efforts to preserve the existing forest and the other sensitive areas on the northern portion of the property which has compressed the proposed layout in a linear fashion along Butterfly Lane complicating compliance with the requirement .

SECOND: Commissioner Stup.

VOTE: 5-0.

Planning Commission Action Per Section 605(f) :

MOTION: Commissioner Stup move to approve the modification to the street landscaping of 605(f) to eliminate of the 7 street trees along the frontage of the historic mansion in order to preserve the viewshed and relocate them onsite along the existing ring road in the general location of the trees previously there if acceptable by Maryland Historic Trust (MHT).

SECOND: Commissioner Nash.

VOTE: 5-0.

Planning Commission Action Per Section 607(c)(2):

MOTION: Commissioner Stup moved to approve the modification to reduce the number of trees by 31 and to relocate an amount acceptable to staff in the vicinity of the sunken garden outside of the historic trust easement and the backside of the driveway on the west and across the entrance lane of the driveway leading up to mansion and from existing portable classrooms to the existing tree stand to the northeast of the mansion outside the MHT

easement and addition screening along the back of the garages in accordance with the testimony and discussion this evening.

SECOND: Commissioner Bokee.

VOTE: 5-0.

VOTE WAS AMENDED

MOTION: Commissioner Stup made a motion to amend the reduction of trees from 31 up to 77.

SECOND: Commissioner McConnell.

VOTE: 5-0.

Planning Commission Action for PC12-367FSI:

MOTION: Commissioner Stup made a motion to approve the application in accordance with the staff report and testimony of the applicant with the 14 items to be met in less than 60 days and with item 15 changed to be add a note replacement for specimen trees 53 & 54 if they do not survive and in greater than 60 days and less one year the 3 items listed in the staff report and following to be added 4) work with staff for landscaping around the sunken garden to buffer area from proposed garages 5) work with staff for a façade on the back of the garage close to the sunken garden 6) reconstruction or restore the wall to match existing dry stacked stone wall 7) construction of the sidewalk along Himes Avenue to tie into the existing sidewalks.

SECOND: Commissioner Bokee.

VOTE: 5-0.

ACTION WAS TABLED:

MOTION: Commissioner Bokee moved to table the motion.

SECOND: Commissioner Stup.

VOTE: 5-0.

Planning Commission Action for PC12-367FSI:

MOTION: Commissioner Stup made a motion to approve the site plan with the conditions to be met within 60 days:

1. Update the Impervious Surface Ratio (ISR) in Note #6 to reflect the changes to the area summary as a result of the revised plan.
2. Correct the parking tabulation in Note #11 to reflect that tandem parking spaces only count as ½ parking spaces as per §607(b)(5).
3. Update Note #22 to indicate that a provisional CAPF-R was issued and include the CAPF-SCH approval date.
4. Provide a separate archeological note that states that the Planning Department must be contacted should any structural or archeological remains be discovered during construction in accordance with Archeological Case #12-363ARCH.
5. Provide a modification note listing the modifications approved as part of the application.
6. Provided a 12 ft. right-turn deceleration lane (100-ft lane with 50-ft taper) at the eastern Butterfly Lane access point.

7. Revise the property landscaping requirement count to remove the street trees.
8. Correct the required street tree calculation on Sheet C-09 to change Butterfly Lane to an arterial road and Himes Avenue to a collector road.
9. Remove the seven street trees in front of the MHT easement per the requested modification.
10. Update the planting schedule to reflect the changes to landscaping.
11. Incorporate lighting plan into the site plan set and update sheet list table on Sheet SP-01.
12. Label maximum lighting height at no more than 20'.
13. Adjust the western most light pole location to eliminate spill on the adjoining properties and demonstrate footcandle values to 0.0 offsite.
14. Provide pedestrian scale lights with adequate coverage along the Butterfly Lane sidewalk.
15. The Applicant must work with the City Arborist to identify supplemental plantings to account for the removal of Specimen Trees # 53 & 54.
16. The Applicant must revise the landscaping plans to show plantings in locations indicated on Exhibit A.

To be met in greater than 60 days and within one year of approval date:

1. Receive approval from the Mayor and Board of Aldermen for the deferral of frontage improvements on Butterfly Lane.
2. Receive approval from the Mayor and Board of Aldermen for the waiver of parkland dedication.
3. Adjust grading to avoid disturbance of the MHT easement or provide documentation of consent from MHT.
4. The Applicant must work with Staff to identify landscaping plantings to surround the sunken garden to buffer the area from the adjacent garage.
5. The Applicant must work with Staff to determine a design for the garage structure closest to the sunken garage that complements the existing historic site.
6. A note must be added to the plan stating that the Applicant will maintain the stone wall along Himes Avenue and if restoration or repair is needed that it will be consistent with the existing wall.
7. A note must be added to the plan stating that the Applicant will construct the sidewalk along Himes Avenue from the terminus of the subject property to connect to the existing sidewalk provided that it is within the public right of way, does not require relocation of utilities, and does not involve a third party. If that is not possible, the Applicant will contribute funds equal to a cost estimate approved by the City Engineer.

SECOND: Commissioner Bokee.

VOTE: 5-0.

C. PC12-368PFCP, Preliminary Forest Conservation Plan, The Residences at Prospect Hill

Mr. Love entered the entire staff report into the record. There was no public comment on this item.

Planning Commission Action:

MOTION: Commissioner Stup made a motion to grant approval in accordance with the staff report and testimony this evening.

SECOND: Commissioner Bokee.
VOTE: 5-0.

VII. NEW BUSINESS:

D. PC12-424FSI, Final Site Plan, North Frederick Elementary School

Mr. Love entered the entire staff report into the record. There was no public comment on this item.

Planning Commission Action Architectural Elevations:

MOTION: Commissioner Bokee moved to recommend approval of the architectural elevations for compliance with the Class C requirements of the Building and Urban Design Standards of 604 as read into the record by staff.
SECOND: Commissioner McConnell.
VOTE: 5-0.

Planning Commission Action 601(f):

MOTION: Commissioner Bokee moved to recommend approval of modification to 601(f), Table 601-2 for reduction of the required access drive separation distance between Motter Avenue access drive and the W. 12th Street intersection from the required 400' to 290' with concurrence of the Engineering Department and as read into the record by staff.
SECOND: Alderman Russell.
VOTE: 4-1. (Commissioner Stup opposed)

Planning Commission Action 605:

MOTION: Commissioner Bokee moved for the approval of modification to 605, Table 605-1 to eliminate the Level II landscaping buffer requirement for a six foot high wall or hedge based on the statement of safety concerns for thee school operation outlined in the applicant's request and the provision of adequate landscaping within the buffer area criteria and as read into the record by staff.
SECOND: Alderman Russell.
VOTE: 5-0.

Planning Commission Action PC12-424FSI:

MOTION: Commissioner Bokee moved for approval of final site plan with the 3 conditions to be met in less than 60 days as read into the record by staff and presented in the staff report this evening.
SECOND: Alderman Russell.
VOTE: 4-1.(Commissioner Stup opposed)

E. PC12-425FSCB, Combined Forest Stand Delineation/Preliminary Forest Conservation Plan, North Frederick Elementary School

Mr. Love entered the entire staff report into the record. There was no public comment on this item.

MOTION: Commissioner Bokee recommended approval of PC12-425FSCB with payment of fee-in-lieu in the amount \$26,528.04.
SECOND: Commissioner McConnell.
VOTE: 5-0.

F. PC12-490FSI, Final Site Plan, Whittier Section 10

Mr. Mark entered the entire staff report into the record. Public comment was received.

Ron Peppe submitted an appraisal report to the Planning Commission as part of the public record. He stated that he is opposed to the trash corral and it would affect his property equity.

MOTION: Commissioner Bokee recommended approval of final site plan PC12-490FSI for Whittier PND Section 10 with the 1 condition that the applicant labels the sight triangle at the intersection of West Greenleaf Drive and the private entrance and labels the dimensions and a 2nd condition that the site plan is amended to reflect the southernmost corral to be relocated to being across from building 2 to the concrete bump out to the east of planting K.
SECOND: Commissioner Stup.
VOTE: 5-0.

G. PC12-569FSU, Final Subdivision Plat, North Market Revitalization

Ms. Reppert entered the entire staff report into the record. There was no public comment on this item.

MOTION: Commissioner Stup made a motion to approve the application in accordance with the staff report, recommendations and testimony this evening.
SECOND: Alderman Russell.
VOTE: 4-1. (Commissioner Bokee abstained)

Commissioner Stup recused himself from the case.

H. PC12-494ZTA, Zoning Text Amendment, Section 608 Parks & Open Space

Ms. Reppert entered the entire staff report into the record. There was no public comment on this item.

MOTION: Commissioner Ryan moved for a positive recommendation of PC12-494ZTA to the Mayor & Board as stated in the staff report.
SECOND: Commission Bokee.
VOTE: 5-0.

There was no further business.

Meeting adjourned at 10:47 P.M.

Respectfully Submitted,

Carreanne Eyler
Administrative Assistant

APPROVED 11-13-2012